

## **Chapter 9.68**

### **CURFEW**

(480-5/44, Urg. Ord. 486-7/45, 3282-6/95, 3475-10/00, 3865-3/10)

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**9.68.010 Definitions.** For the purposes of this chapter, the following words and phrases shall have the meaning hereafter set forth unless a different meaning is clearly intended from the context in which such word or phrase is used. Any word or phrase not herein defined shall have the meaning attributed to it in ordinary usage. (3282-6/95, 3865-3/10)

**Emergency** Means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life. (3282-6/95)

**Establishment** Means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment. (3282-6/95)

**Guardian** (a) Means a person who, under court order, is the guardian of the person of a minor; or (3282-6/95)

(b) a public or private agency with whom the minor has been placed by a court. (3282-6/95)

**Minor (Juvenile)** Means any person under the age of eighteen (18) years of age. (3282-6/95)

**Officer** Means a police officer, deputy sheriff, or other law enforcement agency officer.

**Operator** Means an individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and officers of a corporation. (3282-6/95)

**Parent** Means a person who is: (3282-6/95)

(a) a natural parent, adopting parent, or step-parent of another person; or (3282-6/95)

(b) a person at least eighteen (18) years of age and authorized in writing by a parent or guardian to have the care and custody of a minor. (3282-6/95)

**Public Place** Means any place to which the public or a substantial group of the public has access and includes, but not limited to, streets, highways, and common areas of

schools, hospitals, apartment houses, office buildings, transport facilities, theaters, game rooms, shops, shopping malls or any other place for the sale of merchandise and business. (3282-6/95)

**Street** Means a way or place, of whatever nature, open to the use of the public as a matter of right for purpose of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term “street” includes the legal right-of-way, including but not limited to the traffic lanes, curb, sidewalk, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies irrespective of what the legal right-of-way is formally named or called, whether alley, avenue, court, road or otherwise. (3282-6/95)

**Remain** Means to: (3282-6/95)

(a) linger or stay; or (3282-6/95)

(b) fail to leave premises when requested to do so by an officer or the owner, operator, or other person in control of the premises. (3282-6/95)

**9.68.020 Curfew-Prohibited conduct.** A minor commits a misdemeanor if he/she remains, walks, runs, stands, drives or rides about, in or upon any public place or on the premises of any establishment within the city between the hours of 10:00 p.m. and 6:00 a.m. of the following day, Pacific Standard Time. (3282-6/95)

**9.68.030 Responsibility of Parents.** A parent or guardian of a minor commits a misdemeanor if he/she knowingly permits or allows the minor to remain, walk, run, stand, drive or ride about in or upon any public place or on the premises of any establishment open to the general public within the city during curfew hours unaccompanied by parent or guardian. (3282-6/95, 3865-3/10)

**9.68.040 Responsibility of establishments.** The owner, operator, or any employee of an establishment commits a misdemeanor if he/she knowingly allows a minor to remain, walk, run, stand, drive or ride about in or upon any public place within his or her control or on the premises of any establishment within his or her control within the city during curfew hours. (3282-6/95)

**9.68.050 Exceptions.** (3282-6/95)

1. The provisions of this chapter do not apply when the minor is: (3282-6/95)

(a) accompanied by the minor’s parents or guardian; (3282-6/95)

(b) in public for a specific purpose at designated times, without detour or stop, with the minor’s parent’s or guardian’s written permission which shall state: (3282-6/95, 3475-10/00)

1. The name, address and telephone number of such child; (3475-10/00)

2. The name, address and telephone number of the parent, guardian, or custodian for the child; (3475-10/00)

3. The height, weight, sex, color of eyes and hair, and other relevant physical characteristics of such child; (3475-10/00)

4. A brief description of the employment, errand or activity for which the minor has permission to engage in and the time of day during which this activity will be conducted; and (3475-10/00)

5. The points of origin and destination of the minor. (3282-6/95, 3475-10/00)

- (c) engaged in employment activity, or going to or returning home from an employment activity, without any detour or stop; (3282-6/95)
  - (d) is rendering aid in an emergency; is in need of aid due to an emergency or is prevented from movement by an emergency situation. In cases of reasonable necessity and of such urgency that the parent, guardian, custodian, or other responsible person is unable to accompany the minor. (3282-6/95, 3475-10/00)
  - (e) on the sidewalk abutting the minor's residence (3282-6/95, 3475-10/00)
  - (f) attending, or going to or returning home without any detour or stop, from an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Huntington Beach, a civic organization, or another similar entity that takes responsibility for the minor. (3282-6/95, 3475-10/00)
  - (g) exercising rights protected by the First Amendment of the United States Constitution. (3475-10/00)
  - (h) married or legally emancipated and can show proof of the same. (3475-10/00)
2. The provisions of this chapter do not apply when the owner, operator, or employee of an establishment promptly notified the Huntington Beach Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (3282-6/95)
  3. Before taking any enforcement action under this section, a police officer should ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. (3282-6/95, 3475-10/00)

**9.68.060 Enforcement.** (3282-6/95)

1. Every law enforcement officer is authorized and empowered to demand from any person whom he or she has reasonable cause to believe comes within the provisions of this chapter and who remains, walks, runs, stands, drives or rides about in or upon any public place or on the premises of any establishment within the city, without his or her parents or guardian, during curfew hours, that such person give his or her name, address and parents or guardian, names, and furnish proof of his or her age or proof that he or she is upon an emergency errand or legitimate business directed by his or her parents or guardian. (3282-6/95, 3865-3/10)
2. Juveniles who are found to be in violation of the curfew ordinance may be issued a Municipal Court or administrative citation and/or taken into custody and transported to: (3282-6/95, 3865-3/10)
  - (a) Huntington Beach Police Department; (3282-6/95, 3865-3/10)
  - (b) Juvenile's residence if it is nearby and a parent or guardian will be available to take custody of the juvenile; or (3282-6/95, 3865-3/10)
  - (c) Release in the field at the officers discretion - if placement or parental contact cannot be made, or parent refuses assistance. (3282-6/95, 3865-3/10)
3. A parent or guardian who knowingly permits a minor over whom he or she has control to violate this ordinance, shall be subject to the provisions of Section 272 of the California *Penal Code* and may be charged with violating the *Penal Code* provision. (3282-6/95)

**9.68.070 Parents to take custody of minor.** If a minor taken into custody is a minor coming within the provisions of this chapter, any such law enforcement officer is authorized and

empowered to request the parents, guardian or other adult person having the care and custody of such minor that they take custody of the minor. Refusal on the part of the parent or guardian to accept a minor for whom the parent or guardian is responsible, shall be a MISDEMEANOR. (3282-6/95, 3865-3/10)

**9.68.100 Remedy cumulative.** The remedies provided in this chapter are in addition to the remedies and penalties available under the Huntington Beach Municipal Code and all other laws of the state. (3282-6/95)

**9.68.110 Nuisance.** It shall be deemed a public nuisance for any minor to remain, walk, run, stand, drive or ride about, in or upon any public place or on the premises of any establishment within the city between the hours of 10:00 p.m. and 6:00 a.m. (3282-6/95)

**9.68.120 Severability.** If any section, subsection, phrase or clause of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this section. The City Council declares that it would have adopted this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases or clauses be declared invalid. (3282-6/95)